

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
APRIL 8, 2003

DRAFT MINUTES NOT APPROVED BY BCC
ANTICIPATED DATE OF APPROVAL: APRIL 15, 2003

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, Assistant County Administrator Vince Long, Deputy Clerk Bill Bogan, Jr., and Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Proctor followed by the Pledge of Allegiance to the Flag. The Board emphasized the importance of continually praying for the American Troops overseas.

Awards and Presentations

- Presentation on the 2002 Leon County Lakes Ecology Annual Report

The Chairman announced that this item had been pulled by the presenter and would be on the agenda at a later date.

1. Presentation by the North Florida Regional Domestic Security Task Force "Operation Dark Cloud"

The Board commended Leon County Sheriff Larry Campbell for his leadership involving the "Dark Cloud" Project. Sheriff Campbell thanked the Board and advised that Richard Smith, Emergency Management, would give the presentation on the project and provide information regarding disaster preparedness issues. Mr. Smith advised that Leon County has a Comprehensive Emergency Plan (CEMP) which is the counterpart to the State's Comprehensive Emergency Plan and Federal Response Plan. The CEMP has been distributed to various agencies for final comment and the plan will be distributed as the new version. The CEMP deals with terrorism and mass destruction including biological, nuclear, chemical and explosive weapons. A full-scale exercise occurred at FSU Doak Campbell Stadium on March 12, 2003 called "Operation Dark Cloud" which was a weapons of mass destruction field exercise. It started with an event at Wakulla County where a simulated explosion at the Stratus Petroleum Plant occurred and then was followed quickly by an explosion and chemical dispersion at Doak

Campbell Stadium. The exercise involves emergency agencies working together and responding as if it were a real event.

Mr. Smith explained that the current status of the situation: In the aftermath of September 11, 2001, Governor Bush issued an Executive Order, which established seven regional domestic security task forces. A map showing the regions was circulated to the Board. Leon County is located in Region 2, the North Florida area, and involves a 13-County area. The recent release of the Florida Incident Field Operations Guide was presented to the Board. This integrates unified command and incident command into a statewide standard. The Homeland Security Advisory System Recommendations (for businesses, families, individuals, neighborhoods and schools) was also distributed and will be incorporated into the new Public Information Guide.

The Board engaged in some discussion regarding places to go if an emergency incident should occur. Sheriff Campbell explained that there is no bunker but the new Mobile Communications Command Center would be the hub and a place to discuss tactical considerations and lifesaving efforts. He further added that emergency personnel would be responsible for the safety of citizens and they are currently preparing for such an event and are in the process of obtaining all supplies and equipment. Mr. Smith advised that the continuity of the Operations Plan would address this so that essential legislative operations of the County could continue. If an emergency event called for evacuation and the EOC (Emergency Operations Center) were safe, it would be appropriate to go there. The Emergency Command Center would also have resources to keep officials up-to-date and to coordinate decisions.

Consent Agenda

Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve the following Consent Agenda as described:

2. **Approval of Minutes**

The Board approved the Minutes of March 25, 2003 Regular Meeting.

3. **Approval of Payment of Bills and Vouchers**

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for approval for April 8, 2003: \$5,730,440.81

4. Ratification of Actions Taken at the March 25, 2003 Workshop on the Elimination of the Fire MSTU

The Board approved Option 1: Ratify the actions taken at the workshop on the elimination of the Fire MSTU. (The workshop was held to review strategies to eliminate the Fire MSTU that was directed at the Board's Retreat in December. At the workshop the Board moved to: Initiate the procedure to implement the Public Service Tax, to replace the Fire MSTU, at a rate of 10% on gas, water, and electric services and at a rate of \$.04 on fuel oils to be effective October 1, 2003. The first step in implementing the PST will require a public hearing to consider the official adoption of the tax. The County Attorney's Office, with some assistance from the Office of Management and Budget will take the lead in developing the draft ordinance and scheduling the public hearing as required by law.)

5. Ratification of Actions taken at the March 25, 2003 Workshop on EMS Funding Alternatives

The Board approved Option 1: Ratify the actions taken at the workshop on EMS (Emergency Medical Services-ambulance service) Funding Alternatives. (At the workshop the Board approved the following: Continue to evaluate the municipal marketing revenues as an EMS funding alternative; draft an ordinance and schedule a public hearing to establish an independent EMS MSTU (municipal services taxing unit); and work with the City of Tallahassee to develop a concurrent ordinance, and explore alternatives other than a MSTU for the first year of funding.)

6. Approval of Appointments to the Leon County Fairgrounds Citizen Advisory Committee

The Board approved Option 1: Approve the appointment of the individuals recommended below to the Leon County Fairgrounds Citizen Advisory Committee:

- Elizabeth Robertson, Neighborhood Representative, Resident, 719 Apache Street

- Frances McMillon, Neighborhood Representative, Resident, 315 Gaile Avenue
- Elaine Bryant, CEO/President, E W Bryant Associates, Capital City Chamber of Commerce
- Ron Beckey, Executive Secretary/Manager, North Florida Fair Association
- Paul Byrd, Director of Facilities, Leon County School Board
- Sue Dick or designee, President, Tallahassee Economic Development Council
- Jim Davis, Executive Assistant to the President, Florida A&M University
- Mark Bertolami, Associate Director, Facilities Planning, Florida State University
- Kurt Salsburg, Vice President Economic and Workforce Development, Tallahassee Community College
- Maynard Bozik or designee; President, Southside Business Association
- John Lawrence, Board appointee, Housing Finance Authority

7. Ratification of Actions Taken at the March 18, 2003 Workshop on the Consolidation Process

The Board approved Option 1: Ratify the actions taken at the Workshop on Consolidation Processes held on March 18, 2003. (During the workshop, staff presented the various methods by which Florida counties and cities are able to achieve governmental consolidation. The Board received citizen testimony from the following: Margery Tully, 1319 Leewood Drive; Mike Wallace, 2039 N. Meridian Road, #149; Ted Thomas, 1469 Vieux Carre Drive; Dan McDaniel, 1907 Ivan Road; Bob Fulford, 231 Westridge Drive. After Board and citizen discussion, the Board provided the following direction:

- Accept staff's report excluding the Consolidation Time Line presented in the workshop packet
- Wait for citizens' group to approach the Board with a consolidation plan before taking further action
- Direct staff to provide assistance to the citizens' group requesting information on this issue.

8. Approval to Issue Invitation to Negotiate for Emergency Medical Services Medical Director

The Board approved Option 1: Direct staff to issue the Invitation to Negotiate for Emergency Medical Services Medical Director. (On January 28, 2003, the Board conducted a workshop on Emergency

Medical and Transport Services at which time the Board voted that a County Emergency Medical Services Program be developed to contract with the Tallahassee Fire Department for the provisions of EMS dispatch and Advanced Life Support and Transport Services. On February 11, 2003, the Board ratified the workshop actions and directed staff to contract for services of an Emergency Medical Services Medical Director.)

9. Approval of the Health Insurance Portability and Accountability Act's (1996) Data Sharing Agreement with the Florida Agency for Health Care Administration

The Board approved Option 1: Approve entering into the revised Data Sharing Agreement with the Florida Agency for Health Care Administration and authorize the Chairman to execute.

10. Amendment of Byrne Grant Subgrant for the Enhanced Probation Program

This agenda item requests Board approval to submit an amendment to the subgrant award for the Enhanced Pretrial/Probation Program. This amendment will allow for the use of funds that will not otherwise be utilized to purchase necessary equipment for the Leon County Sheriff's Office and the Tallahassee Police Department. The Board approved Option 1: Authorize staff to submit an amended Byrne Grant application.

11. Approval to Reschedule the Joint County Commission/City Commission Adoption Hearing to May 13, 2003 at 6:00 p.m. in the County Commission Chambers

The Board approved Option 1: Reschedule the Joint County Commission/City Commission adoption hearing to May 13, 2003 at 6:00 p.m. in the County Commission Chambers.

12. Approval to Schedule a Board Workshop on Zone 4 Development of the Capital Cascades Greenway for Tuesday, May 20, 2003 from 3:00 – 4:00 p.m.

The Board approved Option 1: Schedule a Board Workshop on Zone 4 Development of the Capital Cascades Greenway for Tuesday, May 20, 2003 from 3:00 – 4:00 p.m.

13. Approval of the Plat for Hidden Meadows (a private, residential subdivision) for Recording in the Public Records

The developer, James L. Thompson, owner in fee simple, requests that the Board join in dedication and approve the plat of Hidden Meadows for recording in the public records. Hidden Meadows consists of 23.97 acres and is being divided into 10 lots. The general location of Hidden Meadows is on the east end of Joe Thomas Road, approximately ¼ mile south of the SR and Joe Thomas Road intersection. The Board approved Option 1: Approve the plat of Hidden Meadows Subdivision for recording in the public records.

Citizens to Be Heard (3-minute time limit without Commission Discussion:

- a. Reverend Reginald Peyton Sr., 1932 East Windwood Way, Pastor of the New Covenant Holy Church (currently at 1200 Harlem Street) stated that his church is in the process of purchasing 6 ¼ acres of property on the corner of Tram Road/Fitz Lane. According to Reverend Peyton, all the papers were in order and then he discovered that there were homeowner covenants, which specified the area was only designed for single homes. Apparently the residents are concerned about additional traffic and flooding problems. He explained that 621 square feet of the subject property is located on Tram Road and the church plans to use Tram Road and not Fitz Lane. Reverend Peyton requested the Board's assistance with some type of agreement with the neighbors so he can construct his church.

Commissioner Thaele explained that often neighborhoods are not opposed to churches but are concerned about the ancillary uses such as daycare centers. Reverend Peyton indicated that he had plans in the future for a day care center. The Board advised that this situation appears to be a private matter between homeowners involving covenants and restrictions that are applicable to the property. They further advise that the Board does not have authority nor can it regulate private homeowners' restrictions, and suggested that the parties use the Neighborhood Justice Center (NJC) to attempt to resolve the matter. Commissioner Rackleff advised that his aide would be contacting Reverend Peyton and would assist him in contacting the NJC.

- b. Nancy Miller, 16178 Sunray Road, appeared and discussed an email that she sent to Chairman Grippo regarding the lack of wetlands regulations. Chairman Grippo explained that he agreed with the email. Ms. Miller explained that she is working with the Florida Water Coalition to help them lobby water related issues and pointed out that this is an opportunity to address some

ongoing problems and asked that the Board to assist. She referred to an article in the newspaper by Bruce Ritchie that explained that the citizens of the Northwest Florida Water Management District do not have protection from flooding that is equal to other parts of the state. Being under-funded, the NFWFMD was exempted from moving into the new streamlined permitting program and is unable to fully implement a comprehensive Environmental Resource Permit (ERP) program. Ms. Miller provided some historical background of the issues and stated that Senator Lawson is proposing Senate Bill 1748 which extends the exemption until such time as there is a constitutional amendment to raise the millage up to parity to the rest of the state. Ms. Miller requested that the Board assist in explaining the situation to Representative Lawson so he can understand why this is such an important issue, noting that municipalities in the area are going to be faced with high stormwater retrofit costs. Chairman Grippa recommended adoption of a resolution supporting Ms. Miller's position. Ms. Miller suggested that Commissioner Grippa call her about the issue. She also urged the Board to contact the legislative delegation and explain the issue to them so they can be proponents rather than opponents on this issue. The Chairman advised that he would respond to her email, and at the end of the meeting, the Board would consider adoption of a resolution supporting her position.

General Business

14. Accept Donation of 76.22 Acre Parcel in Lake Lafayette and Approve the Revised Plat of Golden Pheasant Subdivision

The developer, Briar Chase Inc., whose president is Mehrdad Ghazvini, requests that the Board accept the warranty deed and approve the plat.

Commissioner Thae'll moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0, to approve Option 1: Accept the 76.22 acre donation offered by Briar Chase Inc., and approve the revised plat of Golden Pheasant Subdivision. Commissioner Thae'll commended citizens for donating property and encouraged other landowners in the area to consider similar donations for the public good.

15. Approval of the Partial Dissent and Disclaimer from Conservation Easement for Golden Pheasant Subdivision

County Attorney Thiele explained that technical corrections to the easements were necessary. Commissioner Maloy moved, duly seconded by Commissioner Rackleff and carried unanimously, 7/0, to approve Option 1: Approve the Partial Dissent and Disclaimer and direct staff to record the document in the Leon County public records.

16. Approval of the FY 2002-2003 Mid-Year Appropriation to DISC Village for the Juvenile Assessment Center in the Amount of \$37,500

This item seeks Board consideration of a mid-year appropriations request to DISC Village in the amount of \$37,500 to fund one-half of the salaries of three correctional officers at the Leon County Juvenile Assessment Center (JAC) as well as consideration of future funding.

Commissioner Rackleff indicated concern that this item had been funded by the Sheriff's budget and the proposal now is to fund it out of the County's general budget. He suggested that this issue should be discussed during budget workshops. The Chairman explained that Option 2 just says that if Disc Village wishes to be funded, they would need to come before the Board and the Board would decide whether or not to fund it. Office of Management and Budget Director Alan Rosenzweig explained that this had previously been funded through the Byrne Grant for four years and that it has never been part of the Sheriff's budget as part of his appropriations. Last year, Administration asked the Sheriff to absorb it in his excess fees budget. He elected to fund it out of his budget last year. Disc Village, for the current fiscal year, failed to request the money as part of the budget process and came forward with a mid year request for the County; the City funded \$75,000 and the Sheriff agreed to fund \$37,500 and County Administration suggested bringing the request to the Board to fund the remaining \$37,500. Mr. Rosenzweig suggested that if the Board approves the funding, he would provide the EMA application to Disc Village and it would come to the Board in early June with the other requests. He also advised that if the Board were involved in the funding, they would have more oversight and direct controls.

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Maloy was out of the Chambers), to approve Options 1 and 2: 1) Approve the FY 2002-2003 mid-year appropriation to DISC Village for the Juvenile Assessment Center in the amount of \$37,500 from the general revenue contingency, utilize \$37,500 in funding from the

Sheriff's Office, approve the associated budget amendment request, and authorize the execution of a mid-year funding agreement; 2) Direct DISC Village to participate in the FY 2003-2004 permanent line item grant process.

17. Approval of Advance Funding of \$6,000,000 for the Multi-lane Reconstruction of State Road 61 (US 319/Crawfordville Highway) from Wakulla Springs Road to State Road 363 and Four Points Intersection

Chairman Grippa advised that this item had been pulled, and asked staff if this would delay construction of the original Bucklake Road project. Director of Public Works Tony Park explained that staff intended for the project to be under construction this fall but currently there are some right-of-way issues that will delay the project. He felt that this project and its association with the Fallschase development (acquiring right-of-way), could be delayed for that period of time until they get the funding repaid back from FDOT. Chairman Grippa suggested that staff, in the interim, meet with the Bucklake Road citizens group and brief them on the issue of the right-of-way problem. Mr. Park explained that this was a timing issue and he wanted to advise the Board prior to meeting with the citizens on such a major change in the project, and he would meet with the group post-haste. The item would be brought back to the Board next week, April 15, 2003.

Add-On Item:

This item seeks Board authorization for the Chairman to sign the completed U.S. Department of Agriculture, Division of Forest Service (U.S.F.S.) Special Use Permit (SUP) to commence construction of the two Lake Talquin Volunteer Fire Department (VFD) Substations. Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Authorize the Chairman to sign the completed SUP application and direct staff to submit it to the U.S.F.S. for execution.

Citizens to be Heard on Non-Agendaed Items:

- a. Becky Subrahmanyam, 1257 Cornerstone Lane, reported that she had filed Chapter 163.3215 to appeal the decision of DOAH and would be representing herself, pro se. She stated that she harbors no bad feelings toward the Board, but she did not want to abandon her appeal rights.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Proctor was not present), to waive the Board's rules and to take up the item regarding attorney's fees.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 6/0 (Commissioner Proctor was not present), to not pursue the recouping of attorneys fees and costs in this situation.

- b. Carol Kio-Green, 4823 Sullivan Road, appeared and referred to Becky Subrahmanyam's issue and Ordinance, Section 10-1489, which was referenced at the last Board meeting. She provided historical background of the ordinance and suggested its applicability to Ms. Subrahmanyam's issue. She stated that the ordinance was approved on June 10, 1997 and one week later, the Board heard its first appeal under the ordinance, which was the Marsh Landing Development. Ms. Kio-Green advised that Marsh Landing was a Type B development; it met the criteria for Type A but it was bumped up to Type B, which is similar to Ms. Subrahmanyam's issues regarding Seminole Raceway. She stated that it was clear that the appellate process was put in place to be available and it was not sensible in the scheme of things that when Type A and B do not automatically come to the Board – they would not be appealable to the Board, then there is Type C and D that do come to the Board; why would somebody appeal the Board's decision to the Board.
- c. Kenneth Harvey, 16919 Blountstown Highway, appeared and thanked the Board for the two fire stations that were built, noting that it took two years to get them permitted. He particularly thanked Vince Long, Andrea Bird, and Tom Brantley for their efforts. Mr. Harvey reported that he attended a meeting with the Fire Marshall's Office today over the new firefighter's One Rules and there have been a lot of changes. In two weeks, he hopes to set up a meeting with Chief Cassey from the Fire Marshall's Office to find out what they have to do to implement all the new rules and regulations that have come about. He also pointed out that the State has passed a new law dealing with death benefits for all firefighters, paid and volunteer, and would contact Richard Smith, Emergency Management, to determine how this would be implemented.

Discussion Items by Commissioners

Commissioner Maloy:

Advised that his appointment to the Science Advisory Board is Sean McGlynn.

Commissioner Sauls:

- a. Reported that last Friday night was the grand opening of the Challenger League Baseball game which was held at the Fort Braden ball field. The league involves participation of children with physical and mental disabilities. Commissioner Sauls commended the Board for supporting the project.
- b. Advised that the Tallahassee Junior Museum Pioneer Breakfast will be held on Saturday morning, April 12, 2003. Tickets are available for \$6 for adults.
- c. Reported that she received an email from John Kraynak, Director of Environmental Compliance, about the Decatur County (Georgia) Commission's plans to cite a new landfill one mile from Florida's County line. Commissioner Sauls explained that there are concerns about tributaries that may eventually discharge into Lake Talquin and other issues. She referenced other polluted water bodies coming from Georgia into Florida such as the Ochlochnee River drainage basin involving the Clean Water Act. Commissioner Sauls asked that staff keep a close watch on this item. County Attorney Thiele advised that this would be part of the entire package and would be included in the report from Sean McGlynn that would be coming back to the Board.

Commissioner Thael:

- a. Thanked the Board for its recognition of the March of Dimes Walk America and reminded the Board about the March of Dimes Walk on Saturday, April 12, 9:00 a.m. at Cascades Park. There will also be a meeting in the Chambers tomorrow at 1:30 p.m. to go over some issues about the walk. He encouraged all to participate and support the effort.
- b. Advised that the National Forest Service was supposed to close the Blue Sink Recreation Area to the public for three months in the spring of 2002, but noted that it is still closed. Commissioner Thael stated that it is an important recreational area particularly for divers and asked that staff request the Forest Service to provide a status of the area and advise as to when it will be reopened.

Chairman Grippa:

- a. Requested a resolution for Elder Law Month and the Board concurred.

- b. Requested adoption of a resolution in support of a pay increase for State employees in this year's legislative budget. The Board supported the resolution and directed that it be signed and sent to the legislature.
- c. Requested traffic safety funds from the Slosberg amendment be placed on the agenda with the consideration of calling it the Greg Burris Traffic Safety Fund. The County Attorney advised that the item would be on the agenda next week.
- d. Requested that during the budget process, that staff bring back the amount it would cost the County to pay the City a lump sum so County residents can participate in City recreational park activities without paying additional fees.
- e. Chairman Grippa stated that apparently the County demolishes houses that they have acquired by various means (such as flooding, etc) which is a cost to the County. He advised that there are actually non-profit corporations who would pay for the house and move it. He requested that staff bring back an agenda item showing the cost benefit analysis of doing this and to contact Shelly Murphy, Department of Housing and Community Services, to determine if those homes could be used for affordable housing.
- e. Engaged in some discussion regarding Innovation Park and requested that the Board schedule a public hearing for April 29, 2003 to consider changing the members of the authority board as follows: Keep the existing Board members; add the President of Tallahassee Community College or his designee, the Mayor of Tallahassee, eight new members to be appointed by the County Commission and draw from a list of 12 potential candidates provided by the President of FSU; and add one member from CONA (Council of Neighborhood Associations). Chairman Grippa stated he is open to other representation if the Board so desires and this could be done at the public hearing.

Commissioner Rackleff inquired that at the end of the public hearing, would the Board entertain a motion to turn over Innovation Park to FSU. Chairman Grippa stated that it would probably not be possible at this time, but by the meeting time, he hopes there will be greater understanding between the three universities.

Following some discussion, it was the consensus of the Board to agenda this item under "General Business" for April 29, 2003

rather than to have a public hearing. County Attorney Thiele advised that depending on what the Board wants to do, the item may not require a public hearing.

- e. Advised that he forwarded to Commissioners a letter from Eugene Danaher regarding the Board's consideration of a mid-year funding request by the Capital City Classic, Inc. Commissioner Rackleff explained that it is important to read the Board's reply because it clarifies the fact that the Board did not grant funding to the Capital City Classic but referred them to another forum, the Tourist Development Council for funding request. He opined that the Board acted properly in this matter. Commissioner Maloy referred to Mr. Danaher's letter regarding campaign contributions and stated that it is not an issue because the campaign contribution was returned.

There being no further business to come to the Board, Commissioner Thael moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Proctor was out of the Chambers), to adjourn the meeting at 6:25 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court